

**REGULAR MEETING  
NOVEMBER 12, 2012**

The Mayor and City Council of the City of Washington, Georgia, held their regular monthly meeting on Monday, November 12, 2012, at 6 PM at the Edward Pope Conference Center. Mayor Ames Barnett presided.

Present were Mayor Barnett, council members Armour, Cullars, Harris, Rainey, Scarborough and Tutt. Also present were City Administrator Eskew, City Clerk Danner, City Attorney Fleming and Police Chief Glenn.

Visitors were the same as listed in the Work Session held on the same date.

The meeting was opened in prayer by Attorney Fleming followed by the Pledge of Allegiance.

**MINUTES APPROVED:** On motion by Cullars, second by Harris, council approved 6 to 0 the minutes of the previous meetings as presented.

**APPROVAL OF MEETING AGENDA:** On motion by Cullars, second by Tutt, council approved meeting agenda 6 to 0 adding an executive session for a personnel matter; a CHIP 12 Resolution; a report from Olivia Jackson on Mule Day; tax millage rate advertisement; and, Sub-Division Land use resolution.

**CHAMBER UPDATE – JENNY CLARK:** Chamber Director Jenny Clark reported that Mule Day had been a success and that everything went smoothly. Clark also presented to council a check in the amount of \$500 to be used for the preservation of Callaway.

Clark advised that the downtown “squarecrows” were a lot of fun and brought many tourists downtown.

Upcoming events downtown include Candlelight shopping on November 20<sup>th</sup>; shop local on December 8<sup>th</sup>; and, snowing of the square each Friday during December.

The Chamber membership drive starts this week.

**ECONOMIC DEVELOPMENT UPDATE:** David Jenkins advised that the DDA will meet on November 15, 2012, 8:30 AM at FSB and that the URA will meet on November 20, 2012, 9 AM in the Council Chambers of City Hall. There will be a Charrette for the Gordon Street school property on November 14 and 15, 2012.

**RESOLUTION FOR CHIP APPLICATION:** On motion by Cullars, second by Scarborough, council approved 6 to 0 the resolution authorizing a CHIP application to assist some 20 households with down payment expenses with no match required. Resolution follows:

WHEREAS, the governing body of the City of Washington authorizes the filing of a 2013 Community HOME Investment Program (CHIP) Downpayment Assistance grant application to the Georgia Department of Community Affairs (DCA); and

WHEREAS, the governing body directs and authorizes the Mayor of the City of Washington to act in connection with the application and to provide such additional information as may be required; and

WHEREAS, the Downpayment Assistance program will be implemented and provided to qualified residents “City Wide” and will help to enhance the property tax base of the City of Washington; and

WHEREAS, the program will assist qualified individuals and/or families with funds for down payment, closing cost, pre-paid items, and principal reduction assistance to purchase eligible homes in the City of Washington; and

WHEREAS, the program will assist at least twenty (20) households with a maximum assistance of \$13,000.00. The CHIP grant application requested amount will be \$280,000.00 and will require no financial match from the City of Washington.

WHEREAS, the Downpayment Assistance program will be consistent with the community’s needs and ability to commit and expend the total award if approved within the timeframe required in the Program Description; and

WHEREAS, the programs and projects will thoroughly connect HUD assistance to help improve outcomes such as health, education, safety, and/or economic outcomes of affordable housing;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Washington do hereby authorize the filing of Community HOME Investment Program (CHIP) grant application to the Department of Community Affairs (DCA) by the grant deadline of December 14, 2012.

BE IT FURTHER RESOLVED that the Mayor of the City of Washington is authorized to complete and sign all documents necessary to submit a full application for funding.

**RESOLUTION TO ADOPT CHAPTER 70 ORDINANCE – SUBDIVISIONS:** On motion by Harris, second by Cullars, council approved 6 to 0 a resolution amending Chapter 70 of the City’s Code of Ordinances. Resolution follows:

WHEREAS, the Mayor and Council of the City of Washington, Georgia, (hereafter “Mayor and Council”) have previously adopted an ordinance regulating the subdivision of land, and subsequent amendments thereto; and,

WHEREAS, the Mayor and Council have adopted the Southwest Washington Urban Redevelopment Plan (hereafter the “Redevelopment Plan”) to redevelop designated areas of interest in a manner that provides improvements with unique physical characteristics which retain value over time; and,

WHEREAS, the Mayor and City Council have adopted Washington’s Multi-use Trails Plan (hereafter the “Trail Plan”) and the Washington-Wilkes Bicycle and Pedestrian Plan (hereafter the “Bike-Ped Plan”) that provide the framework for the development of an active transportation network within the city, and recommend the appropriate facilities to make walking and biking feasible recreation and transportation options; and,

WHEREAS, the Mayor and council have continued to successfully and incrementally implement the Redevelopment Plan, Trails Plan, and Bike-Ped Plan since their adoption, and desire to provide for land development regulations that provide designated areas with the opportunity to develop in a manner that promotes traditional building form, compact land and infrastructure arrangement, and active transportation options; and,

WHEREAS, the existing provisions of Chapter 70 (Subdivisions) of the Code of Ordinances of the City of Washington, Georgia, do not currently provide for such alternative and preferred land development patterns as provided in the Plans;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Washington, Georgia, that:

**I.**

Chapter 70 (Subdivisions) of the Code of Ordinances of the City of Washington, Georgia, is hereby replaced in full by the text and illustrations graphics as provided and contained within Exhibit A to this ordinance.

**II.**

Upon the incorporation of the text and illustrations provided in Exhibit A into the Code of Ordinances of the City of Washington, Georgia, resulting from the adoption of this ordinance, Chapter 70 of the Code shall be re-designated as (Subdivision and Land Development).

**III.**

Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

**IV.**

All other ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**V.**

The adoption date of this ordinance is November 12, 2012.

**VI.**

The effective date of this ordinance is November 12, 2012.

It was noted that Foxwood Senior Development is in compliance with Chapter 70 Subdivision and Land Development ordinance.

**POLICE DEPARTMENT REPORT:** Chief Glenn reminded those present of the annual Toys for Tots program sponsored by the department. Application forms can be found in the News Reporter or picked up at the department. Deadline for applications is December 7, 2012. Donations of new toys and/or money should be made by December 14, 2012.

On motion by Cullars, second by Harris, council approved 6 to 0 donating \$500.00 from the City’s General Fund to the Police Department for the Toys for Tots program.

**BILLY HOPKINS – ETHICS RESPONSE COMPLAINT:** Billy Hopkins addressed council about a response he got to an Ethics charge he filed in May 2012 against Council member Tutt. The response received by Mr. Hopkins was dated September 10, 2012. After heated discussion, Mayor Barnett recessed the meeting for five minutes for tempers to cool.

**OLIVIA JACKSON – CALLAWAY PLANTATION:** Olivia Jackson, hostess at Callaway Plantation, reported to council that Mule Day was a good day with many more black visitors than in previous years. Jackson

went on to say that her desire is that Callaway Plantation will be viewed as an educational site and that she feels that the name "Plantation" has a stigma attached to it. Jackson shared some of her visions for things/programs that could make Callaway Plantation more educational.

**MAYOR'S COMMENTS:** Mayor Barnett reminded council members to contact City Administrator Eskew with any questions about the proposed 2013 budget.

Mayor Barnett reported that the Arts Festival recently held was a good event and also that the Washington Fire Department was the winner in the recent "Squarecrow" display.

Mayor Barnett urged citizens to support the WWCHS Tigers in the first playoff game at Tiger Stadium this Friday night.

Mayor Barnett also reported that there are many entries for the December 8<sup>th</sup> Christmas Parade of Lights.

**COUNCIL COMMENTS:**

**CULLARS:** Council member Cullars thanked Mrs. Jackson for her report on Callaway Plantation but stated that until the community could work together, Callaway Plantation would be just a place.

Cullars asked the status of the use of PinPoint Geotech and was advised that UGA has gotten necessary clearance to download property maps for use in the devices.

Cullars reminded of the need to notify affected residents of the change in district lines and voting locations for upcoming 2013 city elections.

**CITY ADMINISTRATOR COMMENTS:**

**GMA WORKERS COMPENSATION:** City Administrator Eskew asked for council approval of a resolution authorizing membership in GMA's Workers Compensation Fund. On motion by Cullars, second by Tutt, council approved resolution 6 to 0. Resolutions follows:

To authorize membership in the Georgia Municipal Association Workers' Compensation Self-Insurance Fund; to authorize and direct the Mayor of the City of Washington to execute the necessary documents to enroll the City in said Fund; to subscribe to the intrastate agreement and bylaws of said Fund and for other purposes.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WASHINGTON:

Section 1. Pursuant to Title 34, Chapter 9, Article 5 of the Official Code of Georgia Annotate, the City of Washington, hereby agrees to become a member of the Georgia Municipal Association Workers' Compensation Self-Insurance Fund established pursuant to said code chapter.

Section 2. The City of Washington hereby agrees to subscribe to and abide by the intrastate agreement, bylaws, rules, and regulations of the Fund and rules and regulations of the Insurance Commissioner of the State of Georgia related to such Fund.

Section 3. The Mayor and the City of Washington is hereby authorized to execute the application and any other documents necessary to enroll the City of Washington as a member in said Fund.

Section 4. The effective date of the resolution shall be November 26, 2012.

RESOLVED this 12<sup>th</sup> day of November, 2012.

**POLE ATTACHMENT LICENSE AGREEMENT (COMCAST):** City Administrator Eskew asked for council approval of a Pole Attachment License Agreement for distribution poles with Comcast Cable Communications Management LLC. On motion by Cullars, second by Tutt, council approved agreement 6 to 0. Agreement follows:

A RESOLUTION OF THE CITY OF WASHINGTON APPROVING THE POLE ATTACHMENT LICENSE AGREEMENT FOR DISTRIBUTION POLES WITH COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC, OR AN AFFILIATE THEREOF; AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF SUCH AGREEMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Washington ("Electric Provider") (a) owns and operates certain electric distribution poles and (b) third parties, including certain telecommunication and cable service providers, license the use of certain space on such poles, from time to time, for the attachment of lines and other apparatus thereto; and

WHEREAS, Electric Provider desires to manage the use of such poles in a manner that maintains efficient rendering of service to Participant's utility customers and such telecommunication and cable service providers' customers while assuring (a) proper allocation of the costs of owning and operating such poles among all users thereof, so as to avoid subsidization of each other's services and taking into

account whether or not reciprocal rights are offered by users respecting their respective facilities, and (b) safe operations of such poles; and

WHEREAS, Electric Provider and fifty other municipal electric providers (collectively, the "Participants") have caused to be created Electric Cities of Georgia, Inc., a Georgia nonprofit corporation ("Electric Cities"), as an instrumentality of the Participants to perform services on their behalf in accordance with Section 115 of the Internal Revenue Code, and have entered into a Participant Services Contract, dated as of March 1, 2009, as amended and supplemented (the "Services Contracts"); and

WHEREAS, the Lt. Governor has requested that Electric Cities, on behalf of the Participants, negotiate operationally similar pole attachment, or point use to the extent the applicable parties mutually desire reciprocal rights, agreements with telecommunication and cable service providers to take advantage of certain economies of scale and avoid certain legislative and litigation risk, which process resulted in the creation of a "Pole Attachment Service offering by Electric Cities to all Participants, whereby Electric Cities provides certain services related to managing the use of the Participants' utility poles by third parties, including, but not limited to, negotiation of pole attachment and point use agreements on their behalf and management of certain pole attachment and point use operations; and

WHEREAS, Electric Cities has completed the negotiation of such agreements at the direction and with the input of Electric Provider and certain other Participants and recommends that Electric Provider and other applicable Participants enter into a certain Pole Attachment License Agreement for Distribution Poles, dated as of January 1, 2012, (the "Agreement"), with Comcast Cable Communications Management, LLC, or the affiliate thereof (the "Attacher"); and

WHEREAS, Electric Provider desires to (a) authorize the execution, delivery and performance of the Agreement, provided that the Agreement shall only be delivered to the Attacher subsequent to, or simultaneously with, payment of amounts, or estimated amounts subject to true up upon an inventory in accordance with the Agreement, owed by Attacher thereunder for calendar year 2012 and any other attachment license amounts, or estimated amounts, owned by the Attacher for prior years, and (b) appoint Electric Cities and its subcontractor for pole services, if any, as Electric Provider's agent for administration of certain pole attachments in accordance with the Services Contract and the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ELECTRIC PROVIDER IN A MEETING DULY ASSEMBLED, AND IT IS HEREBY RESOLVED BY AUTHORITY THEREOF, as follows:

Section 1. The Electric Provider hereby approves and authorizes the execution, delivery and performance of the Agreement, including the exhibits thereto, in substantially the form of the draft thereof attached hereto as Exhibit A, and hereby incorporated herein by reference, subject to such minor changes, additions and deletions made in the discretion of the Mayor (the "Authorized Official") of the Electric Provider, with advice of counsel, provided that the Agreement shall only be delivered to the Attacher subsequent to, or simultaneously with, payment of amounts, or estimated amounts subject to true up upon an inventory in accordance with the Agreement, owed by Attacher thereunder for calendar year 2012 and any other attachment license amounts, or estimated amounts, owed by the Attacher for prior years, such amount to be calculated by Authorized Official. The Agreement shall be executed by the Authorized Official, attested by the appropriate officer of the Electric Provider, and shall have the Electric Provider's seal affixed thereto, and shall be delivered to the Attacher, and when so executed and delivered, shall be binds upon the Electric Provider in accordance with its terms. Execution and delivery of the Agreement as authorized herein shall be conclusive evidence of the Electric Provider's approval thereof.

Section 2. The Electric Provider hereby authorizes the Authorized Official and the City Administrator, or either of them, to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution, including, but not limited to, communicating the decisions of the Electric Provider to the Attacher with respect to any matter respecting the Agreement, as amended from time to time.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Resolved this 12<sup>th</sup> day of November, 2012.

**2012 TAX MILLAGE:** City Administrator Eskew asked for council approval to advertise the proposed tax millage of 9.141 mils and to schedule a Public Hearing and Called meeting to set the 2012 City Tax Millage on Friday, November 30, 2012, 9 AM in the Council Chambers of City Hall. On motion by Armour, second by Cullars, council approved advertisement 6 to 0.

City Administrator Eskew announced a Silent Auction and Bake sale to benefit the Animal Shelter to be held on Saturday, November 17, 2012, 5 to 8 PM at the Lions Club building.

**EXECUTIVE SESSION:** On motion by Scarborough, second by Harris, council approved 6 to 0 entering into a previously approved executive session to discuss a personnel matter at 7:10 PM.

On motion by Cullars, second by Harris, council approved 6 to 0 re-convening in open session at 7:27 PM.

City Attorney Fleming gave a report that one personnel matter was discussed with no final action taken.

On motion by Cullars, second by Armour, council approved 6 to 0 to have Mayor Barnett sign an executive session affidavit.

**ADJOURNMENT:** On motion by Cullars, second by Harris, council approved 6 to 0 adjournment of meeting at 7:30 PM.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

